



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patent Application of)
Shunpei YAMAZAKI et al.)
Serial No. 10/084,935)
Filed: March 1, 2002)
For: INSULATING FILM AND)
METHOD OF PRODUCING)
SEMICONDUCTOR DEVICE)

Art Unit: 2815
Examiner: B. Baumeister

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with The United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on August 23, 2004.

PRELIMINARY RESPONSE

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

The final Official Action mailed August 22, 2003 and the *Advisory Action* mailed August 19, 2004, has been received and its contents carefully noted. Filed concurrently herewith is a *Request for Continued Examination* and *Request for Fifth Month Extension of Time*, which extends the shortened statutory period for response to August 23, 2004. Accordingly, the Applicants respectfully submit that this response is being timely filed.

The Applicants note with appreciation the consideration of the Information Disclosure Statements filed on March 1, 2002, June 4, 2002, October 3, 2002, April 11, 2003 and December 16, 2003.

Claims 1-34 are pending in the present application, of which claims 1, 11, 19 and 27 are independent. For the reasons set forth in detail below, all claims are believed to be in condition for allowance.

Paragraph 2 of the final Official Action rejects claims 1-34 as anticipated by U.S. Patent No. 5,313,075 to Zhang, which is maintained in the *Advisory Action*. The Applicants respectfully traverse the rejection because the Official Action has not established an anticipation rejection.

As stated in MPEP § 2131, to establish an anticipation rejection, each and every element as set forth in the claim must be described either expressly or inherently in a

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